



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 25 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeremy Hartle
Operations Manager
Shenango LLC
1200 College Avenue,
Terre Haute, Indiana 47802

Re: Shenango, LLC
Administrative Order EPA-5-12-113(a)-IN-02

Dear Mr. Hartle:

Enclosed is a fully-executed original of the Administrative Consent Order referenced above.

If you have any questions, please contact Alexandra Letuchy (312) 886 - 6035 of my staff. Any legal questions should be directed to Christine Liszewski, Associate Regional Counsel, at (312) 886-4670.

Sincerely,

Sara Breneman

Sara Breneman
Chief
Air Enforcement and Compliance Assurance Section (MI/WI)

Enclosure

bcc: Chris Liszewski, C-14J

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-12 -113(a)-IN-02
)	
Shenango LLC)	Proceeding Under Sections 113(a)(1) and (3) and
Terre Haute, IN)	114(a)(1) of the Clean Air Act, 42 U.S.C.
)	§§ 113(a)(1) and (3) and 114(a)(1)

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Shenango LLC ("Shenango") under Sections 113(a)(1) and (3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1) and (3) and 7414(a)(1).

Statutory and Regulatory Background

2. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410.

3. On August 18, 1995, EPA approved Indiana's Federally Enforceable State Operating Permit ("FESOP") program, 326 IAC 2-8-1 through 2-8-17, as part of the federally enforceable Indiana State Implementation Plan (SIP). 60 Fed. Reg. 43008.

4. Under Section 112 of the CAA, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources ("Foundry NESHAP") at 40 C.F.R. Part 63, Subpart ZZZZZ. The Foundry NESHAP applies to iron and steel foundries that are area source of hazardous air pollutants (HAPs).

5. The Foundry NESHAP, at 40 C.F.R. § 63.10880, requires the owner or operator of each iron and steel foundry that is an area source of HAP emissions to determine whether the

facility is an existing small or large foundry, based on the tons of metal melted during calendar year 2008.

6. The Foundry NESHAP, at 40 C.F.R. § 10890(a), requires the owner or operator of a new or existing small affected source to comply with the pollution prevention management practices for metallic scrap and mercury switches in § 63.10885 and § 63.10886.

7. The Foundry NESHAP, at 40 C.F.R. § 10890(b), requires the owner or operator of a new or existing affected source classified as a small foundry to submit an initial notification of applicability.

8. The Foundry NESHAP, at 40 C.F.R. § 10890(c), requires the owner or operator of a new or existing affected source classified as a small foundry to submit a notification of compliance status.

9. The Foundry NESHAP, at 40 C.F.R. § 63.10890(f) requires the owner or operator of a new or existing small foundry to submit semiannual compliance reports to EPA. The report must clearly identify any deviation from the pollution prevention management practices in § 63.10885 or § 63.10886 and the corrective action taken.

10. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP.

11. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator may issue an order requiring compliance to any person who has violated or is violating the Foundry NESHAP regulations. The Administrator has delegated this authority to the Regional Administrator who has delegated this authority to the Director of the Air and Radiation Division.

12. The Administrator may require any person who owns or operates an emission source to make reports, sample emissions, and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Regional Administrator who has delegated this authority to the Director of the Air and Radiation Division.

Findings

13. Shenango owns and operates an iron and steel foundry at 1200 College Avenue, Terre Haute, Indiana (Facility).

14. On January 9, 2006, the Indiana Department of Environmental Management (IDEM) issued FESOP No. F167-14053-00068 for the Facility. On September 16, 2009, IDEM issued an administrative amendment to the FESOP.

15. Condition D.1.3 of the FESOP requires Shenango to conduct emission testing of particulate matter (PM) and PM less than 10 microns in diameter (PM10), on at least one induction furnace initially and then at least once every 5 years from the date of a valid PM and PM10 compliance demonstration.

16. Shenango completed a PM and PM10 emission test on Furnace #30 (an induction furnace) on November 30, 2006.

17. EPA conducted an inspection at the Facility on April 16-17, 2012.

18. As of the date of the inspection, Shenango had not conducted PM and PM10 emission testing other than the test performed on November 30, 2006.

19. On June 7, 2010, Shenango submitted an initial notification of applicability to EPA identifying the Facility as an existing small foundry subject to the Foundry NESHAP at 40 C.F.R. Part 63, Subpart ZZZZZ.

20. On June 7, 2010, Shenango submitted a notification of compliance status including applicable compliance certifications as required by 40 C.F.R. § 63.10890(c).

21. As of the date of the inspection, Shenango had not submitted any semiannual reports to EPA as required by the Foundry NESHAP at 40 C.F.R. § 63.10890(f).

Compliance Program

22. No later than September 1, 2012, Shenango must complete emission testing on at least one induction furnace utilizing methods approved by the Commissioner of IDEM. Testing must include PM and PM10, including filterable and condensable PM10, and must be conducted in accordance with Section C.(Performance Testing) of the FESOP.

23. No later than November 1, 2012, Shenango must submit to EPA a report of results from the PM and PM10 emission tests.

24. No later than November 1, 2012, Shenango must submit to EPA all overdue semiannual compliance reports required by the Foundry NESHAP.

25. No later than the effective date of this order, Shenango must begin submitting semiannual compliance reports on a timely basis as required in the Foundry NESHAP at 40 CFR § 63.10890(f). Shenango must deliver or postmark all semiannual compliance reports by the 30th day following the end of each calendar half.

26. Shenango must send all reports required by this Order to:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

General Provisions

27. This Order does not affect Shenango's responsibility to comply with other federal, state and local laws.

28. This Order does not restrict EPA's authority to enforce the Indiana SIP, Section 112 of the CAA or any other section of the CAA.

29. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Shenango's violation of the Indiana SIP and the Foundry NESHAP.

30. Failure to comply with this Order may subject Shenango to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

31. The terms of this Order are binding on Shenango, its assignees and successors. Shenango must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

32. Shenango may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Shenango fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

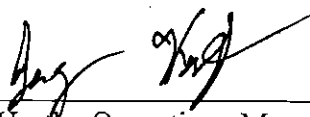
33. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.

34. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

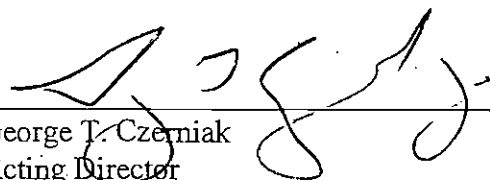
35. Shenango agrees to the terms of this Order.

36. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that Shenango has complied with all terms of the Order throughout its duration.

7/9/12
Date


Jeremy Hartle, Operations Manager
Shenango LLC

7/25/12
Date


George T. Czerniak
Acting Director
Air and Radiation Division
U.S. Environmental Protection Agency Region 5

CERTIFICATE OF MAILING

I, Loretta Shafer, certify that I sent the Administrative Consent Order, EPA-5-12-113(a)-IN-02, by certified mail, return receipt requested, to:

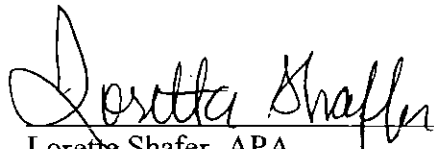
Jeremy Hartle
Shenango LLC
1200 College Avenue
Terre Haute, Indiana 47802

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-12-113(a)-IN-02, by first-class mail to:

Matthew Chaifetz
Compliance and Enforcement Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46206-6015

Phil Perry
Compliance and Enforcement Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46206-6015

On the 27 day of July 2012.



Loretta Shafer, APA
Planning and Administrative Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7673 9918